

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
ROANOKE DIVISION

CLERK'S OFFICE U.S. DIST. COURT  
AT ROANOKE, VA  
FILED

JUL 17 2015

WILLIAM LEE ANDERSON, II,  
Plaintiff,

v.

PHILIP H. WITHERSPOON, et al.,  
Defendants.

Civil Action No. 7:15-cv-00236-MFU-JCH  
BY: *[Signature]*  
DEPUTY CLERK

MEMORANDUM OPINION

By: Hon. Michael F. Urbanski  
United States District Judge

William Lee Anderson, II, a Virginia inmate proceeding pro se, filed a complaint pursuant to 42 U.S.C. § 1983, naming dentist Dr. Philip H. Witherspoon and the Commonwealth of Virginia as defendants. The Commonwealth of Virginia is not a proper defendant to this action. See, e.g., West v. Atkins, 487 U.S. 42, 48 (1988); Edelman v. Jordan, 415 U.S. 651, 663 (1974). Accordingly, claims against the Commonwealth of Virginia are dismissed pursuant to 28 U.S.C. § 1915A(b)(1), and the Commonwealth of Virginia is terminated as a party. Plaintiff's claims against Dr. Philip H. Witherspoon remain pending before the court.

ENTER: This 17<sup>th</sup> day of July, 2015.

*/s/ Michael F. Urbanski*

United States District Judge